

HOUSE No. 749

By Mr. O'Flaherty of Chelsea, petition of Eugene L. O'Flaherty relative to the allocation of costs incurred in personal injury protection litigation. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT RELATIVE TO PERSONAL INJURY LITIGATION.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 34M of chapter 90 of the General Laws, as appearing in
2 the 2000 Official Edition, is hereby amended by inserting after the
3 fourth paragraph the following paragraph:—
4 “If after the commencement of any such action, but before
5 judgment, the insurer makes payment of the amount that is due
6 and payable, the court may still assess costs and reasonable attor-
7 ney’s fees for the bringing and prosecuting of the action, but only
8 up until the time of such payment. Interest, running from the com-
9 mencement of the action shall be assessed on all amounts
10 adjudged to be due and payable in any such action, at the same
11 rate as interest is assessed for breach of contract actions in the
12 Commonwealth.